

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|----------|---------------------|
| RAFAIL THEOKARY, | : | CIVIL ACTION |
| Plaintiff-Appellant, | : | |
| | : | |
| v. | : | |
| | : | |
| TOM SHAY, et al. | : | |
| Defendants-Appellees. | : | NO. 10-0058 |

ORDER

AND NOW, this 29th day of October, 2013, in accordance with the accompanying Memorandum, it is hereby **ORDERED** that the Opinion of the Bankruptcy Court dated April 10, 2012 dismissing the adversary proceeding of Rafail Theokary with prejudice is **AFFIRMED**; and the Opinion of the Bankruptcy Court dated February 14, 2011 is **MODIFIED** to reflect that the claims against Defendants Showplace Farms and Gaitway Farms, Inc. are dismissed as moot. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ L. Felipe Restrepo
L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE